REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-12 and 14-24 are pending. Claims 1-12 and 14-24 are rejected. Claim 8 is amended herein. No new matter has been added as a result of the amendment. Support for the claim amendments can be found in the instant specification at least at page 67, lines 9-10.

103 Rejections

Claims 1-3, 5-10, 12, 14-20 and 22-24

The instant Office Action states that Claims 1-3, 5-10, 12, 14-20 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable by EP 0915598 to Matsushita Electric Industrial Co. (referred to hereinafter as "Matsushita") in view of U.S. Patent No. 7,062,250 by Kosaka (referred to hereinafter as "Kosaka"). The Applicants have reviewed the cited references and respectfully submit that embodiments of the instant application are patentable over Matsushita or Kosaka, alone or in combination, for at least the following rationale.

Claim 1 recites, in part (emphasis added):

> A client for receiving multiple description media streams, said client comprising:
>
> ...
>
> a source control module coupled to said synchronization module, said source control module for determining appropriate operation characteristics of said client, wherein said source control module comprises a power strength monitor that monitors power consumption by said client, wherein said client uses information from said power strength

monitor to make a decision about how many of said multiple description bitstreams to receive; and

....

Independent Claims 8 and 18 include similar recitations. Moreover, Claims 2, 3 and 5-7 that depend from independent Claim 1, Claims 9, 12 and 14-17 that depend from independent Claim 8, and Claims 19, 20 and 22-24 that depend from independent Claim 18 also include these recitations.

Applicants respectfully assert that the combination of Matsushita and Kosaka does not teach, describe or suggest the invention as claimed because the combination of the Matsushita and Kosaka does not satisfy the requirements of a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." (MPEP 2142). Applicants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.03(IV); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Applicants understand Matsushita to disclose a distributed internet protocol-based real-time multimedia streaming architecture using multiple media push engines to communicate with the multimedia client through a multi casting network (Abstract). In particular, Applicants respectfully submit that Matsushita discloses that the media push engines control all decisions regarding the

selection of media streams to push to the multimedia client. Matsushita recites "[a]dmission control to the group multicast session is administered in a distributed fashion, where an admission control unit opens the multicast stream, with all subsequent admission control decisions being made by the media push engines themselves" (emphasis added; Abstract). Furthermore, Matsushita recites "the media push engines control the multicast group session admission process themselves, in a distributed fashion, adding or subtracting media push engines to the group session as needed to maintain a high quality of services" (emphasis added; col. 4, lines 28-32).

With reference to Figure 4 of Matsushita, "[t]he multimedia client's RTCP receiver report notifies the Media Push Engine 12 (and all other media push engines participating in the group session) that some percentage of the component data from Media Push Engine 12. Media Push Engine 12 analyzes these reports and stops sending a selected component, in this case the X_3, thereby decreasing the amount of traffic flowing through its point of congestion" (col. 9, lines 37-44). In particular, Applicants respectfully submit that nowhere does Matsushita teach, describe or suggest the multimedia client sending commands, controlling the media push engines, or controlling which sub-stream components are received.

Therefore, Applicants respectfully submit that Matsushita does not teach or suggest, "wherein said client uses information from said power strength

monitor to make a decision about how many of said multiple description bitstreams to receive," (emphasis added) as recited by independent Claim 1 and the similar embodiments of independent Claims 8 and 18. Furthermore, by specifically disclosing that "all subsequent admission control decisions being made by the media push engines themselves", Applicants respectfully submit that Matsushita teaches away from the claimed embodiments.

Furthermore, Applicants respectfully submit that Kosaka does not remedy the shortcomings of Matsushita. Applicants understand Kosaka to disclose a radio communication terminal operable to detect remaining electric power of the battery (Abstract). In particular, Applicants respectfully submit that Kosaka does not teach, describe or suggest "wherein said client uses information from said power strength monitor to make a decision about how many of said multiple description bitstreams to receive" (emphasis added) as claimed.

In view of the combination of Matsushita in view of Kosaka not satisfying the requirements of a *prima facie* case of obviousness, Applicants respectfully submit that independent Claims 1, 8 and 18 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit the combination of Matsushita in view of Kosaka also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2, 3 and 5-7 that depend from independent Claim 1, Claims 9, 12 and 14-17 that depend from independent Claim 8, and Claims 19,

20 and 22-24 that depend from independent Claim 18. Therefore, Applicants respectfully submit that Claims 2, 3, 5-7, 9, 12, 14-17, 19, 20 and 22-24 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 4, 11 and 21

The instant Office Action asserts that Claims 4, 11 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Kosaka and further in view of "Error-Resilient Video Compression" (hereinafter, "Apostolopoulos"). The Applicants have reviewed the cited references and respectfully submit that the embodiments recited by Claims 4, 11 and 21 are patentable over Matsushita, Kosaka or Apostolopoulos, alone or in combination, for at least the following rationale.

Claim 4 is dependent on independent Claim 1, Claim 11 is dependent on independent Claim 8, and Claim 21 is dependent on independent Claim 18. Hence, by demonstrating that the combination of references does not show or suggest the embodiments of Claims 1, 8 and 18, it is also demonstrated that the combination of references does not show or suggest the embodiments of Claims 4, 11 and 21.

As presented above, Applicants respectfully submit that the combination of Matsushita and Kosaka does not show or suggest the embodiments of

independent Claims 1, 8 and 18. Applicants further submit that Apostolopoulos does not overcome the shortcomings of Matsushita and Kosaka.

Applicants understand Apostolopoulos to disclose error-resilient video compression via multiple state streams. In particular, Applicants respectfully submit that Apostolopoulos does not teach, describe or suggest "wherein said client uses information from said power strength monitor to make a decision about how many of said multiple description bitstreams to receive" (emphasis added) as claimed.

In view of the combination of Matsushita in view of Kosaka, further in view of Apostolopoulos not satisfying the requirements of a *prima facie* case of obviousness, Applicants respectfully submit that independent Claims 1, 8 and 18 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Applicants respectfully submit the combination of Matsushita in view of Kosaka, further in view of Apostolopoulos also does not teach or suggest the additional claimed features of the present invention as recited in Claim 4 that depends from independent Claim 1, Claim 11 that depends from independent Claim 8, and Claim 21 that depends from independent Claim 18. Therefore, Applicants respectfully submit that Claims 4,

11 and 21 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-12 and 14-24 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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